

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MARKELL SMITH

Magistrate No. 19-0310

[UNDER SEAL]

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Gregg Frankhouser, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Pittsburgh, Pennsylvania office. I have been employed as a Special Agent for the FBI since April 2002. As part of my duties, I investigate violations of federal law, including the online exploitation of children, including violations pertaining to the illegal possession, receipt, transmission, and production of material depicting the sexual exploitation of minors in violation of 18 U.S.C. § 2422(b) (Enticement), 18 U.S.C. § 2251 (Production of Child Pornography), 18 U.S.C. § 2252(a)(4)(B) (Possession of Child Pornography), and 18 U.S.C. §§ 2261A(2)(B) and 2261(b)(5) (Cyberstalking). I have gained expertise in the conduct of such investigations through training in the area of child pornography and child exploitation investigations in seminars, classes, and everyday work related to conducting these types of investigations, and I have had the

opportunity to observe and review numerous examples of child pornography in a variety of media, including computer media. I have obtained FBI Basic and Advanced Crimes Against Children Training. I have participated in the execution of numerous federal and state search warrants which have involved child sexual exploitation and/or child pornography offenses.

2. I know that Title 18, U.S.C. Sections 2261A(2)(B) and 2261(b)(5) (Cyberstalking) makes it a crime to use any electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to engage in a course of conduct with the intent to harass or intimidate another person that causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to that person or an immediate family member of that person.

3. I also know that Title 18, U.S.C. Section 2251 (Production of Child Pornography) makes it a crime to produce or attempt to produce material depicting the sexual exploitation of a minor (child pornography). Through my experience and training, I am aware that Title 18, United States Code, Section 2256 defines "minor," for purposes of Section 2252, as "any person under the age of eighteen years." Section 2256 also defines "sexually explicit conduct" for purposes of these sections as including: (a) genital-genital, oral-genital, anal-genital, and oral-anal sexual intercourse, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic; or (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

4. This affidavit is being submitted in support of a criminal complaint against defendant, MARKELL SMITH, hereinafter referred to as SMITH, charging him with violations of 18 U.S.C. § 2261A(2)(B) and 2261(b)(5) and 18 U.S.C. § 2251(a) and (e).

5. I am familiar with the facts and circumstances set forth in this affidavit as a result of my participation with the Western Pennsylvania Violent Crimes Against Children Task Force, information received from other criminal investigators, and my own investigation of this matter. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not set forth each and every fact learned during the course of this investigation.

6. In summary, the following affidavit sets forth facts establishing probable cause that MARKELL SMITH used various electronic devices, including cellular telephones, as well as the Internet, to induce and coerce minors, by threat, to produce and send via the Internet sexually exploitive images of themselves.

PROBABLE CAUSE

7. Your affiant began investigating an unknown person utilizing the Instagram accounts: fear_itx225, nwoputin_, 7deadlysins19, bananacuddle2, not_meant_to_be4, DDIGGS24, killer_clown101, it2_2019, and it_clown2019, to induce and coerce minors by threat to produce and send via the Internet sexually exploitive images of themselves. The investigation was initiated based on reports from multiple law enforcement agencies across the United States (New Jersey, Florida, Washington, Pennsylvania, and Kentucky).

8. Instagram is a free-access social-networking website. Upon creating an Instagram account, an Instagram user must create a unique Instagram username. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials.

9. Law enforcement in New Jersey provided information that a then eleven-year-old minor (DOB: December 2006) was contacted in May 2018 via Instagram by the Instagram account associated with username 7deadlysins19. 7deadlysins19 demanded that the minor (hereinafter "Minor Victim 1") produce nude images of himself/herself to 7deadlysins19 via Instagram. 7deadlysins19 told the minor that if he/she did not comply with these demands, 7deadlysins19 would hack the minor's Instagram account and/or determine his/her location and harm the minor's family. As a result of the threats, Minor Victim 1 submitted to the demands of Instagram user 7deadlysins19.

10. Local law enforcement viewed the messages that 7deadlysins19 sent Minor Victim 1's Instagram account. The New Jersey detective relayed that the messages by 7deadlysins19 to the minor were threatening and instructed the minor how to pose in the sexually explicit images requested by 7deadlysins19. According to the New Jersey detective, 7deadlysins19 gave specific instructions to the minor to send images that focused on his/her genitalia. However, the detective was unable to see the explicit images that Minor Victim 1 sent to 7deadlysins19. Still, because Instagram provides the sender of an image information on how the sent image was observed by the receiver, in this instance, law enforcement was able to ascertain that the explicit images sent by the minor to 7deadlysins19 were saved as screenshots by 7deadlysins19.

11. Through legal process, law enforcement learned that the 7deadlysins19 Instagram account had a registration IP address that resolved to an address associated with an individual (herein identified by the initials "C.T.") in Pittsburgh, Pennsylvania.

12. Your affiant also received information about a fourteen-year-old minor (DOB: March 2004) who was contacted in April 2018, while in Florida, by Instagram user nwoputin_

who coerced and threatened the minor (hereinafter “Minor Victim 2”) to produce and send sexually exploitative images to nwoputin_ via Instagram. Law enforcement observed the messages from Instagram user nwoputin_ on the minor’s phone. When the minor indicated he/she did not want to send pictures of him/herself, Instagram user nwoputin_ told him/her that he would hack into the minor’s social media, and if the minor refused, nwoputin_ threatened to trace the minor’s location. Instagram user nwoputin_ told the minor that he/she should do this “if you truly don’t want me to harm your family.” Minor Victim 2 reported that because of the threats from nwoputin_ he/she received via Instagram, the minor complied with the demands of nwoputin_ to take several images of him/herself. One of the photographs depicts Minor Victim 2 nude from the waist up, wearing only underwear.

13. Through legal process, law enforcement learned that the nwoputin_ Instagram account had an IP registration that resolved to the same person (C.T.), at the same Pittsburgh, Pennsylvania address, and with the same phone number, as the registration IP address of the 7deadlysins19 Instagram user. The registration email for this Comcast account is fibrosis43@gmail.com.

14. Your affiant received information about a third minor (DOB: March 2014) threatened in October 2018 in Washington state. This minor (hereinafter “Minor Victim 3”) was sent a friend request via Instagram from account user fear_itx225 with the name “Jake” associated with the account. Via Instagram messages, fear_itx225 told the minor that he was going to hack him/her and his/her family’s phone and computer if he/she did not send him nude pictures of herself. Minor Victim 3 told law enforcement that he/she complied with the demands of fear_itx225 because he/she was scared. Minor Victim 3 told law enforcement that he/she sent

images of him/herself to fear_itx225 via Instagram including images of his/her legs, feet, arms, stomach, and face, as well as images wherein Minor Victim 3 had fully exposed his/her genitals, at fear_itx225's request. Law enforcement confirmed that these sexually exploitive images depict Minor Victim 3 engaged in sexually explicit conduct.

15. Through legal process, law enforcement learned that the fear_itx225 Instagram account had an IP registration that resolved to the same individual (C.T.) with the same Pittsburgh, Pennsylvania address and phone number as previously identified as associated with 7deadlysins19 and nwoputin_ and with a registration email address: fxckinsta223@gmail.com.

16. Your affiant received information about a fourth minor victim in Pittsburgh, Pennsylvania (DOB: April 2006—hereinafter Minor Victim 4) who filed a complaint of harassment through the use of the Internet for threats occurring in February 2019. Minor Victim 4 stated that bananacuddle2 told him/her that if Minor Victim 4 did not do what bananacuddle2 said, bananacuddle2 would hack into Minor Victim 4's account and harm Minor Victim 4 and his/her family. Instagram user bananacuddle2 demanded that Minor Victim 4 take pictures of his/her legs and then take photos of himself/herself nude and send the images to bananacuddle2. Minor Victim 4 complied with the demands and sent approximately 10 to 15 photos of himself/herself to bananacuddle2. When Minor Victim 4's father contacted bananacuddle2 through Minor Victim 4's Instagram account and stated he would be taking this information to the police, bananacuddle2 deleted the Instagram account.

17. During investigation of Minor Victim 4's harassment, Pittsburgh law enforcement learned that Minor Victim 4's friend, Minor Victim 5, also received threatening Instagram messages in February 2019. The threats to Minor Victim 5 came from two different Instagram

user accounts: not_meant_to_be4 and DDIGGS24. Both accounts sent messages to Minor Victim 5, similar to the ones Minor Victim 4 had received from bananacuddle2. Minor Victim 5 received messages from both Instagram users stating that he/she would send nude images of Minor Victim 4 to other people on the Internet if Minor Victim 5 did not send nude images of himself/herself to not_meant_to_be4 and DDIGGS24. User not_meant_to_be4 sent Minor Victim 5 a screen shot of a nude picture of Minor Victim 4 to prove to Minor Victim 5 that he/she had the nude images. According to Minor Victim 4, Minor Victim 5 did not comply with the demand to send images.

18. Through legal process, law enforcement learned that the bananacuddle2 Instagram account has the registration email: creepitting124@gmail.com.

19. Your affiant received information about a sixth victim threatened in May 2019 in Kentucky by an individual using the Instagram accounts killer_clown101, it2_2019 and it_clown2019 who attempted, by threat, to illicit sexually exploitative images. For example, Instagram user it2_2019 attempted to coerce and threaten Minor Victim 6, who is currently sixteen years old, and told Minor Victim 6 that his/her family would be harmed if he/she did not provide nude images of himself/herself to the user of the Instagram Account. Instagram user it2_2019 threatened Minor Victim 6 and stated: "Ignore all you want since you don't seem to care if I hack you and harm your family."

20. Through legal process, law enforcement learned that the it2_2019 Instagram account had a registration IP address that resolved to the same Pittsburgh, Pennsylvania address associated with C.T. Through investigation, law enforcement also learned that the Instagram user name it2_2019 had the registered email address: piratedgames22@gmail.com, known to be associated with Johnnycakes045@gmail.com, which is associated with fibrosis43@gmail.com

(associated with the nwoputin_ account). The phone number for the it2_2019 account with Instagram is assigned to C.T. at the same Pittsburgh, Pennsylvania address, previously identified.

21. Through investigation, your affiant learned that an individual named Markell Smith used the email account gjson1.com@gmail.com. The email account gjson1.com@gmail.com was used as a recovery email address for the Google email account fibrosis43@gmail.com. The fibrosis43@gmail.com was used to register the Instagram account nwoputin_. This account was used to contact and entice a minor to produce illicit sexual images in April 2018 (Minor Victim 2). Your affiant also learned that Johnnycakes1175@gmail.com was also used as a recovery email address for the fibrosis43@gmail.com account.

22. A check of the Pennsylvania Department of Motor Vehicles indicated that a Pennsylvania photo identification was issued to MARKELL TARIQ SMITH at the Pittsburgh, Pennsylvania address associated with C.T. and associated with the registration IP addresses for a number of the aforementioned threats.

23. On October 31, 2019, your affiant obtained a search warrant for the address associated with C.T. in Pittsburgh, Pennsylvania, as referenced above.

24. On November 8, 2019, your affiant, along with members of the Western Pennsylvania Violent Crimes Against Children Task Force executed the warrant. C.T. and MARKELL SMITH were present.

25. During the execution of the search warrant, C.T. explained that she and MARKELL SMITH were the only users of the Internet connection located at the residence. C.T. stated that the connection was password protected and that only she and SMITH knew the password. SMITH was told that he did not have to answer questions from law enforcement. Your affiant then asked

if SMITH was familiar with some email accounts, including the following: creephitting124@gmail.com, fibrosis43@gmail.com, fxckinsta223@gmail.com, 7deadlysins@gmail.com, johnnycakes1175@gmail.com, and johnnycakes045@gmail.com. SMITH confirmed that he established and used the above mentioned email accounts. When asked if SMITH was using the Internet to communicate with and entice/threaten minors to send illicit photos of themselves, SMITH replied in the affirmative. SMITH explained he did not know the ages of his victims but knew some were “young.” SMITH explained that some of the individual’s illicit photos would be on the cellular telephone in law enforcement custody. SMITH did delete some of the photos of his victims when he no longer was interested in the photos. When SMITH was asked if SMITH would threaten to kill the persons he was communicating with, SMITH confirmed he would threaten to kill the person and/or their family. When asked if SMITH understood it was wrong to threaten to kill people, he confirmed he understood that, and he only made the threats because he liked to see and hear the terror from the individuals.


CONCLUSION

26. Considering all of the foregoing, there is probable cause to believe that, from in and around April 2018 until in and around May 2019, in the Western District of Pennsylvania and elsewhere, the defendant MARKELL SMITH, with the intent to harass and intimidate another person, used an interactive computer service, an electronic communication system of interstate commerce, and a facility of interstate and foreign commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonable expected to cause substantial emotional

distress to such person and an immediate family member of that person and produced and attempted to produce material depicting the sexual exploitation of a minor.

27. The above information is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,



Gregg Frankhouser
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on November 8, 2019:



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE